

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WANDA RAMOS o/b/o R.R.,

Plaintiff,

-v-

No. 11 Civ. 6142 (LTS)(FM)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

Plaintiff Wanda Ramos, proceeding pro se, brings this action on behalf of her minor son, R.R., pursuant to Section 405(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking review of a final decision of the Commissioner of the Social Security Administration (the “Commissioner”), denying R.R.’s application for Supplemental Security Income Benefits. The Court has reviewed Magistrate Judge Frank Maas’ March 12, 2013, Report and Recommendation (the “Report”), which recommends that the Commissioner’s unopposed motion for judgment on the pleadings be granted. Neither party filed objections to the Report.

When reviewing a Report, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis Supp. 2013). “A district court evaluating a Magistrate Judge’s report and recommendation may adopt those portions of the . . . report to which no ‘specific written objection’ is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.” Eisenberg v. New England Motor Freight, Inc., 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008) (citation omitted); see

also, Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (“[t]o accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record”) (citation omitted).

The Court has carefully reviewed Magistrate Judge Maas’ thorough Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. The Commissioner’s motion for judgment on the pleadings is granted.

This Order resolves docket entry number 15.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore, in forma pauperis status is denied for the purposes of an appeal. See Coppededge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
August 14, 2013

/S
LAURA TAYLOR SWAIN
United States District Judge